

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MINTEL LEARNING TECHNOLOGY,  
INC.,

Plaintiff,

v.

BEIJING KAIDI EDUCATION &  
TECHNOLOGY DEVELOPMENT CO.,  
LTD., et al.,

Defendants.

No. C 06-7541 PJH

**ORDER DENYING MOTION  
TO DISMISS**

On August 30, 2007, defendants filed a motion for an order dismissing the claims asserted against Beijing Kaidi Education & Technology Development Co., Ltd., and Yalin Lin, pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim. In support of the motion, defendants assert only that "[t]he [c]ourt's reasoning in the August 9, 2007, Order (DOC 55) is fully applicable to this [m]otion."

That is not an adequate basis for bringing a motion to dismiss. The August 9, 2007, order dismissed the claims asserted against defendants Jun Zhang and Yan Liu. Defendants do not explain how the "reasoning" in that 21-page order should be applied to defendants Beijing Kaidi Education & Technology Development Co., Ltd., and the court is not willing to guess. Moreover, defendants should not be forced to respond to a motion that is so patently deficient. Accordingly, the motion is DENIED.

**IT IS SO ORDERED.**

Dated: August 31, 2007



PHYLLIS J. HAMILTON  
United States District Judge